

CM 334178

1942 SABOTEURS CASE

MISC

DENYING CERTAIN ENEMIES ACCESS TO THE COURTS
OF THE UNITED STATES

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the safety of the United States demands that all enemies who have entered upon the territory of the United States as part of an invasion or predatory incursion, or who have entered in order to commit sabotage, espionage or other hostile or warlike acts, should be promptly tried in accordance with the law of war;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America and Commander in Chief of the Army and Navy of the United States, by virtue of the authority vested in me by the Constitution and the statutes of the United States, do hereby proclaim that all persons who are subjects, citizens or residents of any nation at war with the United States or who give obedience to or act under the direction of any such nation, and who during time of war enter or attempt to enter the United States or any territory or possession thereof, through coastal or boundary defenses, and are charged with committing or attempting or preparing to commit sabotage, espionage, hostile or warlike acts, or violations of the law of war, shall be subject to the law of war and to the jurisdiction of military tribunals; and that such persons shall not be privileged to seek any remedy or maintain any proceeding, directly or indirectly, or to have any such remedy or proceeding sought on their behalf, in the courts of the United States, or of its states, territories, and possessions, except under such regulations as the Attorney General, with the approval of the Secretary of War, may from time to time prescribe.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this second day of July, in the
year of our Lord nineteen hundred and
forty-two, and of the Independence of
the United States of America the one
hundred and sixty-sixth.

(SEAL)

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State

COMMANDER IN CHIEF OF THE
ARMY AND NAVY
Washington, D.C.

July 2, 1942

By virtue of the authority vested in me as President and as Commander in Chief of the Army and Navy, under the Constitution and statutes of the United States, and more particularly the Thirty-Eighth Article of War (U.S.C., title 10, sec. 1509), I, Franklin Delano Roosevelt do hereby appoint as a Military Commission the following persons:

Major General Frank R. McCoy, President
Major General Walter S. Grant
Major General Blanton Winship
Major General Lorenzo D. Gasser
Brigadier General Guy V. Henry
Brigadier General John T. Lewis
Brigadier General John T. Kennedy

The prosecution shall be conducted by the Attorney General and the Judge Advocate General. The defense counsel shall be Colonel Cassius M. Dowell and Colonel Kenneth Royall.

The Military Commission shall meet in Washington, D. C., on July 8th, 1942, or as soon thereafter as is practicable, to try for offenses against the law of war and the Articles of War, the following persons:

Ernest Peter Burger
George John Dasch
Herbert Hans Haupt
Henry Harm Heinck
Edward John Kerling
Hermann Otto Neubauer
Richard Quirin
Werner Thiel

The Commission shall have power to and shall, as occasion requires, make such rules for the conduct of the proceedings, consistent with the powers of military commissions under the Articles of War, as it shall deem necessary for a full and fair trial of the matters before it. Such evidence shall be admitted as would, in the opinion of the President of the Commission, have probative value to a reasonable man. The concurrence of at least two-thirds of the members of the Commission present shall be necessary for a conviction or sentence. The record of the trial, including any judgment or sentence, shall be transmitted directly to me for my action thereon.

THE WHITE HOUSE,

FRANKLIN D. ROOSEVELT.

July 2, 1942.

SPJGJ 1946/1139

Albert W. Johnson
Colonel, JAGD
Chief, Military Justice Division

Dec 1, 1946
3756 Rombouts Ave
New York City 66 N.Y.

My Dear Sir..

Now, that over a year has passed since my husband George Jank, respectfully submitted his original pleas of June 10, 1945, and made to the War and Justice Dept's call for a thorough investigation on matters of evidence, information and corroborations which, on the one hand, and at the time of his trial could not, and on the other, were not admitted in evidence during his trial before the Military Commission, however, easily available ever since the defeat of Nazism, and which will further strengthen the unblemishable truth as to the real and only motive and intent of my husband's acts and efforts, thus crystallizing his success and more-over his risk in combatting and frustrating the sabotage missions planned in the formerly existing German High Command and directed against our people, I now make my last and most earnest plea for a speedy end of a punishment forced upon my husband, which even at its best, is ironical, paradoxical and certainly most undeserved,...

This latter judgment, I assure, is neither irrational nor emotional but the only and natural conclusion clear and true facts will allow,...

It is a matter of my precise knowledge and that of trial record, the latter especially when seen in the light the investigation will disclose, that the conviction of my husband was in result of charges based on illogical deductions, convenient conclusions and interpretations with which the prosecution succeeded to cripple, distort, and to prevent the whole and true intent and factual substance of my husband's courageous actions and best efforts with which he most tellingly demonstrated his deep hatred towards Nazism and, with-out any other consideration in mind the common good, his love, respect and concern for our people.

It should be clear to anyone, that in face of such basic truth, I am seeking to erase the gross injustice my husband has to endure.

It should be equally obvious that I am not alone in this justified striving..

Further - more, I am satisfied that we, my husband and myself, have done our best to live up to the principle of the maximum of fairness in this striving. we have been forthright and direct, we have exercised patient understanding and restraints, and that it may not otherwise be construed, this, as all other previous pleas by my husband and myself, is not a plea for mercy or leniency, but is now a serious challenge for the enactment of the principles of fair-play and that of true justice, such as, the full light of truth, common logic and self-evident facts must decree...

Therefore, I pray, that the final decision on the matter of clemency in the case of my husband, now pending in the war Department, as indicated by its communication of April 16, 1946, is at hand and be of a nature conducive to a final and equitable close-out of a peculiar chapter my dear husband, an innocent man, has to endure....

May the above be accepted in the same forth-right and amiable spirit and justified hope, I am awaiting the final decision by the war-Department and remain, very respectfully and most sincerely yours....

Mrs. Marie C. Dasch.

General Orders)

No)

WAR DEPARTMENT

Washington 25, D. C.,

1946

By direction of the President, the unexecuted portions of the sentences to imprisonment for thirty years in the case of George John Dasch and to imprisonment for life in the case of Ernest Peter Burger, who were tried by Military Commission on 8-11, 13-18, 20-22, 24, 25, 27, 31 July and 1 August 1942, and convicted of violations of the Laws of War and of the Articles of War, are hereby remitted.

BY ORDER OF THE SECRETARY OF WAR:

DWIGHT D. EISENHOWER
Chief of Staff

OFFICIAL:

EDWARD F. WITSELL
Major General
The Adjutant General

10. It is suggested that this matter be coordinated with The Attorney General prior to submission to the President.

THOMAS H. GREEN
Major General
The Judge Advocate General

WAR DEPARTMENT

Washington, D. C.

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CHARGE SHEET

Charges and Specifications in Cases of Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel.

Charge I: Violation of the Law of War

Specification 1. In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, secretly and covertly passed, in civilian dress, contrary to the law of war, through the military and naval lines and defenses of the United States, along the Atlantic Coast, and went behind such lines and defenses in civilian dress within zones of military operations and elsewhere, for the purpose of committing acts of sabotage, espionage and other hostile acts, and, in particular, to destroy certain war industries, war utilities and war materials within the United States.

Specification 2. In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, appeared, contrary to the law of war, behind the military and naval defenses and lines of the United States, within the zones of military operations and elsewhere, for the purpose of committing or attempting to commit sabotage, espionage, and other hostile acts, without being in the

uniform of the armed forces of the German Reich, and planned and attempted to destroy and sabotage war industries, war utilities and war materials within the United States, and assembled together within the United States explosives, money and other supplies in order to accomplish said purposes.

Charge II: Violation of the 61st Article of War

Specification: In that, during the month of June, 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, and without being in the uniform of the armed forces of that nation, relieved or attempted to relieve enemies of the United States with arms, ammunition, supplies, money and other things, and knowingly harbored, protected and held correspondence with and gave intelligence to enemies of the United States by entering the territorial limits of the United States, in the company of other enemies of the United States, with explosives, money and other supplies with which they relieved each other and relieved the German Reich, for the purpose of destroying and sabotaging war industries, transportation facilities or war materials of the United States, and by harboring, communicating with, and giving intelligence to each other and to other enemies of the United States in the course of such activities,

Charge III: Violation of the 82nd Article of War

Specification: In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, were, in time of war, found lurking or acting as spies in or about the fortifications, posts and encampments of the armies of the United States and elsewhere,

and secretly and covertly passed through the military and naval lines and defenses of the United States, along the Atlantic Coast, and went about through and behind said lines and defenses and about the fortifications, posts and encampments of the armies of the United States, in zones of military operations and elsewhere, disguised in civilian clothes and under false names, for the purpose of committing sabotage and other hostile acts against the United States, and for the purpose of communicating intelligence relating to such sabotage and other hostile acts to each other, to the German Reich, and to other enemies of the United States, during the course of such activities and thereafter.

Charge IV: Conspiracy to Commit All of the Above Acts

Specification: In that, during the year 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, did plot, plan, and conspire with each other, with the German Reich, and with other enemies of the United States, to commit each and every one of the above-enumerated charges and specifications.

F. GRANVILLE MUNSON (Sgd.)
Colonel, U. S. Army

* * * *

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared Colonel F. Granville Munson, U. S. Army, this 3rd day of July, 1942, and made oath that he is a person subject to military law, and that he personally signed the foregoing charges

and specifications, and that he has investigated the matters set forth in said specifications, and that the same are true, to the best of his knowledge and belief.

MYRON C. CRAMER (Sgd.)
Major General, U. S. Army,
The Judge Advocate General

* * * *

Personal service of a true copy of the above charges and specifications was made by me, the undersigned, on the above-named _____
_____ on this _____ day of July, 1942.

7-3-42

I hereby certify that the foregoing is a full and true copy of the original charges preferred against Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, referred to in the attached Return, and that the same is in the usual form of military charges, and that such charges conform to the rules regulating military procedure.

Adjutant General.

Subscribed and sworn to
before me this ____ day
of July, 1942.

Grade and Organisation

Trial Judge Advocate.

COMMANDER IN CHIEF OF THE ARMY AND NAVY

WASHINGTON, D. C. JULY 2, 1942.

By virtue of the authority vested in me as President and as Commander-in-Chief of the Army and Navy, under the Constitution and Statutes of the United States, and more particularly the Thirty-Eighth Article of War (U.S.C. Title 10, Sec. 1509), I, FRANKLIN DELANO ROOSEVELT, do hereby appoint as a Military Commission the following persons:

Major General Frank R. McCoy, President
Major General Walter S. Grant
Major General Blanton Winship
Major General Lorenzo D. Gasser
Brigadier General Guy V. Henry
Brigadier General John T. Lewis
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The prosecution shall be conducted by The Attorney General and The Judge Advocate General. The defense counsel shall be Colonel Cassius M. Dowell and Colonel Kenneth Royall.

The Military Commission shall meet in Washington, D. C., on July 8th, 1942 or as soon thereafter as is practicable, to try for offenses against the Law of War and the Articles of War, the following persons:

Ernest Peter Burger
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The Commission shall have power to and shall, as occasion requires, make such rules for the conduct of the proceedings, consistent with the powers of Military Commissions under the Articles of War, as it shall deem necessary for a full and fair trial of the matters before it. Such evidence shall be admitted as would, in the opinion of the President of the Commission, have probative value to a reasonable man. The concurrence of at least two-thirds of the Members of the Commission present shall be necessary for a conviction or sentence. The record of the trial including any judgment or sentence shall be transmitted directly to me for my action thereon.

FRANKLIN D. ROOSEVELT

The White House,
July 2, 1942.

I hereby certify that the foregoing is a full and true copy of the Proclamation of the President of the United States of America, dated July 2, 1942, denying certain enemies access to the courts of the United States.

Adjutant General.

Subscribed and sworn to
before me this _____ day
of July, 1942.

Grade and Organization

Trial Judge Advocate.

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCIAMATION

WHEREAS the safety of the United States demands that all enemies who have entered upon the territory of the United States as part of an invasion or predatory incursion, or who have entered in order to commit sabotage, espionage or other hostile or warlike acts, should be promptly tried in accordance with the law of war;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America and Commander in Chief of the Army and Navy of the United States, by virtue of the authority vested in me by the Constitution and the statutes of the United States, do hereby proclaim that all persons who are subjects, citizens or residents of any nation at war with the United States or who give obedience to or act under the direction of any such nation, and who during time of war enter or attempt to enter the United States or any territory or possession thereof, through coastal or boundary defenses, and are charged with committing or attempting or preparing to commit sabotage, espionage, hostile or warlike acts, or violations of the law of war, shall be subject to the law of war and to the jurisdiction of military tribunals; and that such persons shall not be privileged to seek any remedy or maintain any proceeding, directly or indirectly, or to have any such remedy or proceeding sought on their behalf, in the courts of the United States, or of its states, territories, and possessions, except under such regulations as the Attorney General, with the approval of the Secretary of War, may from time to time prescribe.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this second day of July, in the year of our Lord nineteen hundred and forty-two, and of the Independence of the United States of America the one hundred and sixty-sixth.

(SEAL)

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State

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NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America and Commander in Chief of the Army and Navy of the United States, by virtue of the authority vested in me by the Constitution and the statutes of the United States, do hereby proclaim that all persons who are subjects, citizens or residents of any nation at war with the United States or who give obedience to or act under the direction of any such nation, and who during time of war enter or attempt to enter the United States or any territory or possession thereof, through coastal or boundary defenses, and are charged with committing or attempting or preparing to commit sabotage, espionage, hostile or warlike acts, or violations of the law of war, shall be subject to the law of war and to the jurisdiction of military tribunals; and that such persons shall not be privileged to seek any remedy or maintain any proceeding, directly or indirectly, or to have any such remedy or proceeding sought on their behalf, in the courts of the United States, or of its states, territories, and possessions, except under such regulations as the Attorney General, with the approval of the Secretary of War, may from time to time prescribe.

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NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America and Commander in Chief of the Army and Navy of the United States, by virtue of the authority vested in me by the Constitution and the statutes of the United States, do hereby proclaim that all persons who are subjects, citizens or residents of any nation at war with the United States or who give obedience to or act under the direction of any such nation, and who during time of war enter or attempt to enter the United States or any territory or possession thereof, through coastal or boundary defenses, and are charged with committing or attempting or preparing to commit sabotage, espionage, hostile or warlike acts, or violations of the law of war, shall be subject to the law of war and to the jurisdiction of military tribunals; and that such persons shall not be privileged to seek any remedy or maintain any proceeding, directly or indirectly, or to have any such remedy or proceeding sought on their behalf, in the courts of the United States, or of its states, territories, and possessions, except under such regulations as the Attorney General, with the approval of the Secretary of War, may from time to time prescribe.

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NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America and Commander in Chief of the Army and Navy of the United States, by virtue of the authority vested in me by the Constitution and the statutes of the United States, do hereby proclaim that all persons who are subjects, citizens or residents of any nation at war with the United States or who give obedience to or act under the direction of any such nation, and who during time of war enter or attempt to enter the United States or any territory or possession thereof, through coastal or boundary defenses, and are charged with committing or attempting or preparing to commit sabotage, espionage, hostile or warlike acts, or violations of the law of war, shall be subject to the law of war and to the jurisdiction of military tribunals; and that such persons shall not be privileged to seek any remedy or maintain any proceeding, directly or indirectly, or to have any such remedy or proceeding sought on their behalf, in the courts of the United States, or of its states, territories, and possessions, except under such regulations as the Attorney General, with the approval of the Secretary of War, may from time to time prescribe.

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WAR DEPARTMENT

Washington, D. C.

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Charge I: Violation of the Law of War

Specification 1. In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, secretly and covertly passed, in civilian dress, contrary to the law of war, through the military and naval lines and defenses of the United States, along the Atlantic Coast, and went behind such lines and defenses in civilian dress within zones of military operations and elsewhere, for the purpose of committing acts of sabotage, espionage and other hostile acts, and, in particular, to destroy certain war industries, war utilities and war materials within the United States.

Specification 2. In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, appeared, contrary to the law of war, behind the military and naval defenses and lines of the United States, within the zones of military operations and elsewhere, for the purpose of committing or attempting to commit sabotage, espionage, and other hostile acts, without being in the

uniform of the armed forces of the German Reich, and planned and attempted to destroy and sabotage war industries, war utilities and war materials within the United States, and assembled together within the United States explosives, money and other supplies in order to accomplish said purposes.

Charge II: Violation of the 81st Article of War

Specification: In that, during the month of June, 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, and without being in the uniform of the armed forces of that nation, relieved or attempted to relieve enemies of the United States with arms, ammunition, supplies, money and other things, and knowingly harbored, protected and held correspondence with and gave intelligence to enemies of the United States by entering the territorial limits of the United States, in the company of other enemies of the United States, with explosives, money and other supplies with which they relieved each other and relieved the German Reich, for the purpose of destroying and sabotaging war industries, transportation facilities or war materials of the United States, and by harboring, communicating with, and giving intelligence to each other and to other enemies of the United States in the course of such activities.

Charge III: Violation of the 82nd Article of War

Specification: In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, were, in time of war, found lurking or acting as spies in or about the fortifications, posts and encampments of the armies of the United States and elsewhere,

and secretly and covertly passed through the military and naval lines and defenses of the United States, along the Atlantic Coast, and went about through and behind said lines and defenses and about the fortifications, posts and encampments of the armies of the United States, in zones of military operations and elsewhere, disguised in civilian clothes and under false names, for the purpose of committing sabotage and other hostile acts against the United States, and for the purpose of communicating intelligence relating to such sabotage and other hostile acts to each other, to the German Reich, and to other enemies of the United States, during the course of such activities and thereafter.

Charge IV: Conspiracy to Commit All of the Above Acts

Specification: In that, during the year 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, did plot, plan, and conspire with each other, with the German Reich, and with other enemies of the United States, to commit each and every one of the above-enumerated charges and specifications.

F. GRANVILLE MUNSON (Sgd.)
Colonel, U. S. Army

* * * *

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared Colonel F. Granville Munson, U. S. Army, this 3rd day of July, 1942, and made oath that he is a person subject to military law, and that he personally signed the foregoing charges

and specifications, and that he has investigated the matters set forth in said specifications, and that the same are true, to the best of his knowledge and belief.

MYRON C. CRAMER (Sgd.)
Major General, U. S. Army,
The Judge Advocate General

* * * *

Personal service of a true copy of the above charges and specifications was made by me, the undersigned, on the above-named _____
_____ on this _____ day of July, 1942.

7-3-42

I hereby certify that the foregoing is a full and true copy of the original charges preferred against Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harn Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, referred to in the attached Return, and that the same is in the usual form of military charges, and that such charges conform to the rules regulating military procedure.

Adjutant General.

Subscribed and sworn to
before me this _____ day
of July, 1942.

Grade and Organization

Trial Judge Advocate.

WAR DEPARTMENT

Washington, D. C.

- - -

CHARGE SHEET

Charges and Specifications in Cases of Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel.

Charge I: Violation of the Law of War

Specification 1. In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, secretly and covertly passed, in civilian dress, contrary to the law of war, through the military and naval lines and defenses of the United States, along the Atlantic Coast, and went behind such lines and defenses in civilian dress within zones of military operations and elsewhere, for the purpose of committing acts of sabotage, espionage and other hostile acts, and, in particular, to destroy certain war industries, war utilities and war materials within the United States.

Specification 2. In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, appeared, contrary to the law of war, behind the military and naval defenses and lines of the United States, within the zones of military operations and elsewhere, for the purpose of committing or attempting to commit sabotage, espionage, and other hostile acts, without being in the

uniform of the armed forces of the German Reich, and planned and attempted to destroy and sabotage war industries, war utilities and war materials within the United States, and assembled together within the United States explosives, money and other supplies in order to accomplish said purposes.

Charge II: Violation of the 81st Article of War

Specification: In that, during the month of June, 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, and without being in the uniform of the armed forces of that nation, relieved or attempted to relieve enemies of the United States with arms, ammunition, supplies, money and other things, and knowingly harbored, protected and held correspondence with and gave intelligence to enemies of the United States by entering the territorial limits of the United States, in the company of other enemies of the United States, with explosives, money and other supplies with which they relieved each other and relieved the German Reich, for the purpose of destroying and sabotaging war industries, transportation facilities or war materials of the United States, and by harboring, communicating with, and giving intelligence to each other and to other enemies of the United States in the course of such activities.

Charge III: Violation of the 82nd Article of War

Specification: In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, were, in time of war, found lurking or acting as spies in or about the fortifications, posts and encampments of the armies of the United States and elsewhere,

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Charge IV: Conspiracy to Commit All of the Above Acts

Specification: In that, during the year 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, did plot, plan, and conspire with each other, with the German Reich, and with other enemies of the United States, to commit each and every one of the above-enumerated charges and specifications.

F. GRANVILLE MUNSON (Sgd.)
Colonel, U. S. Army

* * * *

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared Colonel F. Granville Munson, U. S. Army, this 3rd day of July, 1942, and made oath that he is a person subject to military law, and that he personally signed the foregoing charges

and specifications, and that he has investigated the matters set forth in said specifications, and that the same are true, to the best of his knowledge and belief.

MYRON C. CRAMER (Sgd.)
Major General, U. S. Army,
The Judge Advocate General

* * * *

Personal service of a true copy of the above charges and specifications was made by me, the undersigned, on the above-named _____
_____ on this _____ day of July, 1942.

7-3-42

I hereby certify that the foregoing is a full and true copy of the original charges preferred against Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Hans Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, referred to in the attached Return, and that the same is in the usual form of military charges, and that such charges conform to the rules regulating military procedure.

Adjutant General.

Subscribed and sworn to
before me this _____ day
of July, 1942.

Grade and Organization

Trial Judge Advocate.

WAR DEPARTMENT

Washington, D. C.

- - -

CHARGE SHEET

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uniform of the armed forces of the German Reich, and planned and attempted to destroy and sabotage war industries, war utilities and war materials within the United States, and assembled together within the United States explosives, money and other supplies in order to accomplish said purposes.

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F. GRANVILLE MUNSON (Sgd.)
Colonel, U. S. Army

* * * *

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared Colonel F. Granville Munson, U. S. Army, this 3rd day of July, 1942, and made oath that he is a person subject to military law, and that he personally signed the foregoing charges

and specifications, and that he has investigated the matters set forth in said specifications, and that the same are true, to the best of his knowledge and belief.

MYRON C. CRAMER (Sgd.)
Major General, U. S. Army,
The Judge Advocate General

* * * *

Personal service of a true copy of the above charges and specifications was made by me, the undersigned, on the above-named _____
_____ on this _____ day of July, 1942.

7-3-42

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Adjutant General.

Subscribed and sworn to
before me this ____ day
of July, 1942.

Grade and Organisation

Trial Judge Advocate.

DENYING CERTAIN ENEMIES ACCESS TO THE COURTS
OF THE UNITED STATES

- - - - -

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the safety of the United States demands that all enemies who have entered upon the territory of the United States as part of an invasion or predatory incursion, or who have entered in order to commit sabotage, espionage or other hostile or warlike acts, should be promptly tried in accordance with the law of war;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America and Commander in Chief of the Army and Navy of the United States, by virtue of the authority vested in me by the Constitution and the statutes of the United States, do hereby proclaim that all persons who are subjects, citizens or residents of any nation at war with the United States or who give obedience to or act under the direction of any such nation, and who during time of war enter or attempt to enter the United States or any territory or possession thereof, through coastal or boundary defenses, and are charged with committing or attempting or preparing to commit sabotage, espionage, hostile or warlike acts, or violations of the law of war, shall be subject to the law of war and to the jurisdiction of military tribunals; and that such persons shall not be privileged to seek any remedy or maintain any proceeding, directly or indirectly, or to have any such remedy or proceeding sought on their behalf, in the courts of the United States, or of its states, territories, and possessions, except under such regulations as the Attorney General, with the approval of the Secretary of War, may from time to time prescribe.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this second day of July, in the
year of our Lord nineteen hundred and
forty-two, and of the Independence of
the United States of America the one
hundred and sixty-sixth.

(SEAL)

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State

I hereby certify that the foregoing is a full and true copy of the Proclamation of the President of the United States of America, dated July 2, 1942, denying certain enemies access to the courts of the United States.

Adjutant General.

Subscribed and sworn to
before me this _____ day
of July, 1942.

Grade and Organization

Trial Judge Advocate.

DENYING CERTAIN ENEMIES ACCESS TO THE COURTS
OF THE UNITED STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

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CORDELL HULL

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Trial Judge Advocate.

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OF THE UNITED STATES

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CORDELL HULL

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Grade and Organization

Trial Judge Advocate.

DENYING CERTAIN ENEMIES ACCESS TO THE COURTS
OF THE UNITED STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

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(SEAL)

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State

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Adjutant General.

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Grade and Organization

Trial Judge Advocate.

DENYING CERTAIN ENEMIES ACCESS TO THE COURTS
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A PROCLAMATION

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FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State

DENYING CERTAIN ENEMIES ACCESS TO THE COURTS
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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

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(SEAL)

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State

I hereby certify that the foregoing is a full and true copy of the Proclamation of the President of the United States of America, dated July 2, 1942, denying certain enemies access to the courts of the United States.

Adjutant General.

Subscribed and sworn to
before me this ____ day
of July, 1942.

Grade and Organization

Trial Judge Advocate.

I hereby certify that the foregoing is a full and true copy of the Proclamation of the President of the United States of America, dated July 3, 1942, denying certain enemies access to the courts of the United States.

Adjutant General.

Subscribed and sworn to
before me this ____ day
of July, 1942.

Grade and Organisation

Trial Judge Advocate.

COMMANDER IN CHIEF OF THE

ARMY AND NAVY

Washington, D.C.

July 2, 1942

By virtue of the authority vested in me as President and as Commander in Chief of the Army and Navy, under the Constitution and statutes of the United States, and more particularly the Thirty-Eighth Article of War (U.S.C., title 10, sec. 1509), I, Franklin Delano Roosevelt do hereby appoint as a Military Commission the following persons:

Major General Frank R. McCoy, President

Major General Walter S. Grant

Major General Blanton Winship

Major General Lorenzo D. Gasser

Brigadier General Guy V. Henry

Brigadier General John T. Lewis

Brigadier General John T. Kennedy

The prosecution shall be conducted by the Attorney General and the Judge Advocate General. The defense counsel shall be Colonel Cassius M. Dowell and Colonel Kenneth Royall.

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Richard Quirin

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THE WHITE HOUSE,

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July 2, 1942.

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Adjutant General.

Subscribed and sworn to
before me this ____ day
of July, 1943.

Grade and Organization

Trial Judge Advocate

COMMANDER IN CHIEF OF THE

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WAR DEPARTMENT
Washington, D. C.

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CHARGE SHEET

Charges and Specifications in Cases of Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel.

Charge I: Violation of the Law of War

Specification 1. In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, secretly and covertly passed, in civilian dress, contrary to the law of war, through the military and naval lines and defenses of the United States, along the Atlantic Coast, and went behind such lines and defenses in civilian dress within zones of military operations and elsewhere, for the purpose of committing acts of sabotage, espionage and other hostile acts, and, in particular, to destroy certain war industries, war utilities and war materials within the United States.

Specification 2. In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, appeared, contrary to the law of war, behind the military and naval defenses and lines of the United States, within the zones of military operations and elsewhere, for the purpose of committing or attempting to commit sabotage, espionage, and other hostile acts, without being in the

uniform of the armed forces of the German Reich, and planned and attempted to destroy and sabotage war industries, war utilities and war materials within the United States, and assembled together within the United States explosives, money and other supplies in order to accomplish said purposes.

Charge II: Violation of the 81st Article of War

Specification: In that, during the month of June, 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, and without being in the uniform of the armed forces of that nation, relieved or attempted to relieve enemies of the United States with arms, ammunition, supplies, money and other things, and knowingly harbored, protected and held correspondence with and gave intelligence to enemies of the United States by entering the territorial limits of the United States, in the company of other enemies of the United States, with explosives, money and other supplies with which they relieved each other and relieved the German Reich, for the purpose of destroying and sabotaging war industries, transportation facilities or war materials of the United States, and by harboring, communicating with, and giving intelligence to each other and to other enemies of the United States in the course of such activities.

Charge III: Violation of the 82nd Article of War

Specification: In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, were, in time of war, found lurking or acting as spies in or about the fortifications, posts and encampments of the armies of the United States and elsewhere,

and secretly and covertly passed through the military and naval lines and defenses of the United States, along the Atlantic Coast, and went about through and behind said lines and defenses and about the fortifications, posts and encampments of the armies of the United States, in zones of military operations and elsewhere, disguised in civilian clothes and under false names, for the purpose of committing sabotage and other hostile acts against the United States, and for the purpose of communicating intelligence relating to such sabotage and other hostile acts to each other, to the German Reich, and to other enemies of the United States, during the course of such activities and thereafter.

Charge IV: Conspiracy to Commit All of the Above Acts

Specification: In that, during the year 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, did plot, plan, and conspire with each other, with the German Reich, and with other enemies of the United States, to commit each and every one of the above-enumerated charges and specifications.

F. GRANVILLE MUNSON (Sgd.)
Colonel, U. S. Army

* * * *

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared Colonel F. Granville Munson, U. S. Army, this 3rd day of July, 1942, and made oath that he is a person subject to military law, and that he personally signed the foregoing charges

and specifications, and that he has investigated the matters set forth in said specifications, and that the same are true, to the best of his knowledge and belief.

MYRON C. CRAMER (Sgd.)
Major General, U. S. Army,
The Judge Advocate General

* * * *

Personal service of a true copy of the above charges and specifications was made by me, the undersigned, on the above-named _____
_____ on this _____ day of July, 1942.

7-3-42

I hereby certify that the foregoing is a full and true copy of the original charges preferred against Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, referred to in the attached Return, and that the same is in the usual form of military charges, and that such charges conform to the rules regulating military procedure.

Adjutant General.

Subscribed and sworn to
before me this ____ day
of July, 1942.

Grade and Organization

Trial Judge Advocate.

WAR DEPARTMENT
Washington, D. C.

CHARGE SHEET

Charges and Specifications in Cases of Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel.

Charge I: Violation of the Law of War

Specification 1. In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, secretly and covertly passed, in civilian dress, contrary to the law of war, through the military and naval lines and defenses of the United States, along the Atlantic Coast, and went behind such lines and defenses in civilian dress within zones of military operations and elsewhere, for the purpose of committing acts of sabotage, espionage and other hostile acts, and, in particular, to destroy certain war industries, war utilities and war materials within the United States.

Specification 2. In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, appeared, contrary to the law of war, behind the military and naval defenses and lines of the United States, within the zones of military operations and elsewhere, for the purpose of committing or attempting to commit sabotage, espionage, and other hostile acts, without being in the

uniform of the armed forces of the German Reich, and planned and attempted to destroy and sabotage war industries, war utilities and war materials within the United States, and assembled together within the United States explosives, money and other supplies in order to accomplish said purposes.

Charge II: Violation of the 81st Article of War

Specification: In that, during the month of June, 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, and without being in the uniform of the armed forces of that nation, relieved or attempted to relieve enemies of the United States with arms, ammunition, supplies, money and other things, and knowingly harbored, protected and held correspondence with and gave intelligence to enemies of the United States by entering the territorial limits of the United States, in the company of other enemies of the United States, with explosives, money and other supplies with which they relieved each other and relieved the German Reich, for the purpose of destroying and sabotaging war industries, transportation facilities or war materials of the United States, and by harboring, communicating with, and giving intelligence to each other and to other enemies of the United States in the course of such activities.

Charge III: Violation of the 82nd Article of War

Specification: In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, were, in time of war, found lurking or acting as spies in or about the fortifications, posts and encampments of the armies of the United States and elsewhere,

and secretly and covertly passed through the military and naval lines and defenses of the United States, along the Atlantic Coast, and went about through and behind said lines and defenses and about the fortifications, posts and encampments of the armies of the United States, in zones of military operations and elsewhere, disguised in civilian clothes and under false names, for the purpose of committing sabotage and other hostile acts against the United States, and for the purpose of communicating intelligence relating to such sabotage and other hostile acts to each other, to the German Reich, and to other enemies of the United States, during the course of such activities and thereafter.

Charge IV: Conspiracy to Commit All of the Above Acts

Specification: In that, during the year 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, did plot, plan, and conspire with each other, with the German Reich, and with other enemies of the United States, to commit each and every one of the above-enumerated charges and specifications.

F. GRANVILLE MUNSON (Sgd.)
Colonel, U. S. Army

* * * *

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared Colonel F. Granville Munson, U. S. Army, this 3rd day of July, 1942, and made oath that he is a person subject to military law, and that he personally signed the foregoing charges

and specifications, and that he has investigated the matters set forth in said specifications, and that the same are true, to the best of his knowledge and belief.

MYRON C. CRAMER (Sgd.)
Major General, U. S. Army,
The Judge Advocate General

* * * *

Personal service of a true copy of the above charges and specifications was made by me, the undersigned, on the above-named _____
_____ on this _____ day of July, 1942.

7-3-42

I hereby certify that the foregoing is a full and true copy of the original charges preferred against Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Hara Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, referred to in the attached Return, and that the same is in the usual form of military charges, and that such charges conform to the rules regulating military procedure.

Adjutant General.

Subscribed and sworn to
before me this _____ day
of July, 1942.

Grade and Organization

Trial Judge Advocate.

WAR DEPARTMENT

Washington, D. C.

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CHARGE SHEET

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Specification 2. In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, appeared, contrary to the law of war, behind the military and naval defenses and lines of the United States, within the zones of military operations and elsewhere, for the purpose of committing or attempting to commit sabotage, espionage, and other hostile acts, without being in the

uniform of the armed forces of the German Reich, and planned and attempted to destroy and sabotage war industries, war utilities and war materials within the United States, and assembled together within the United States explosives, money and other supplies in order to accomplish said purposes.

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Specification: In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, were, in time of war, found lurking or acting as spies in or about the fortifications, posts and encampments of the armies of the United States and elsewhere,

and secretly and covertly passed through the military and naval lines and defenses of the United States, along the Atlantic Coast, and went about through and behind said lines and defenses and about the fortifications, posts and encampments of the armies of the United States, in zones of military operations and elsewhere, disguised in civilian clothes and under false names, for the purpose of committing sabotage and other hostile acts against the United States, and for the purpose of communicating intelligence relating to such sabotage and other hostile acts to each other, to the German Reich, and to other enemies of the United States, during the course of such activities and thereafter.

Charge IV: Conspiracy to Commit All of the Above Acts

Specification: In that, during the year 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, did plot, plan, and conspire with each other, with the German Reich, and with other enemies of the United States, to commit each and every one of the above-enumerated charges and specifications.

F. GRANVILLE MUNSON (Sgd.)
Colonel, U. S. Army

* * * *

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared Colonel F. Granville Munson, U. S. Army, this 3rd day of July, 1942, and made oath that he is a person subject to military law, and that he personally signed the foregoing charges

and specifications, and that he has investigated the matters set forth in said specifications, and that the same are true, to the best of his knowledge and belief.

MYRON C. CRAMER (Sgd.)
Major General, U. S. Army,
The Judge Advocate General

* * * *

Personal service of a true copy of the above charges and specifications was made by me, the undersigned, on the above-named _____
_____ on this _____ day of July, 1942.

7-3-42

I hereby certify that the foregoing is a full and true copy of the original charges preferred against Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, referred to in the attached Return, and that the same is in the usual form of military charges, and that such charges conform to the rules regulating military procedure.

Adjutant General.

Subscribed and sworn to
before me this _____ day
of July, 1942.

Grade and Organization

Trial Judge Advocate.

DENYING CERTAIN ENEMIES ACCESS TO THE COURTS
OF THE UNITED STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the safety of the United States demands that all enemies who have entered upon the territory of the United States as part of an invasion or predatory incursion, or who have entered in order to commit sabotage, espionage or other hostile or warlike acts, should be promptly tried in accordance with the law of war;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America and Commander in Chief of the Army and Navy of the United States, by virtue of the authority vested in me by the Constitution and the statutes of the United States, do hereby proclaim that all persons who are subjects, citizens or residents of any nation at war with the United States or who give obedience to or act under the direction of any such nation, and who during time of war enter or attempt to enter the United States or any territory or possession thereof, through coastal or boundary defenses, and are charged with committing or attempting or preparing to commit sabotage, espionage, hostile or warlike acts, or violations of the law of war, shall be subject to the law of war and to the jurisdiction of military tribunals; and that such persons shall not be privileged to seek any remedy or maintain any proceeding, directly or indirectly, or to have any such remedy or proceeding sought on their behalf, in the courts of the United States, or of its states, territories, and possessions, except under such regulations as the Attorney General, with the approval of the Secretary of War, may from time to time prescribe.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this second day of July, in the
year of our Lord nineteen hundred and
forty-two, and of the Independence of
the United States of America the one
hundred and sixty-sixth.

(SEAL)

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State

I hereby certify that the foregoing is a full and true copy of the Proclamation of the President of the United States of America, dated July 2, 1942, denying certain enemies access to the courts of the United States.

Adjutant General.

Subscribed and sworn to
before me this _____ day
of July, 1942.

Grade and Organization

Trial Judge Advocate.

COMMANDER IN CHIEF OF THE
ARMY AND NAVY
Washington, D.C.

July 2, 1942

By virtue of the authority vested in me as President and as Commander in Chief of the Army and Navy, under the Constitution and statutes of the United States, and more particularly the Thirty-Eighth Article of War (U.S.C., title 10, sec. 1509), I, Franklin Delano Roosevelt do hereby appoint as a Military Commission the following persons:

Major General Frank R. McCoy, President

Major General Walter S. Grant

Major General Blanton Winship

Major General Lorenzo D. Gasser

Brigadier General Guy V. Henry

Brigadier General John T. Lewis

Brigadier General John T. Kennedy

The prosecution shall be conducted by the Attorney General and the Judge Advocate General. The defense counsel shall be Colonel Cassius M. Dowell and Colonel Kenneth Royall.

The Military Commission shall meet in Washington, D. C., on July 8th, 1942, or as soon thereafter as is practicable, to try for offenses against the law of war and the Articles of War, the following persons:

Ernest Peter Burger

George John Dasch

Herbert Hans Haupt

Henry Harm Heinck

Edward John Kerling

Hermann Otto Neubauer

Richard Quirin

Werner Thiel

The Commission shall have power to and shall, as occasion requires, make such rules for the conduct of the proceedings, consistent with the powers of military commissions under the Articles of War, as it shall deem necessary for a full and fair trial of the matters before it. Such evidence shall be admitted as would, in the opinion of the President of the Commission, have probative value to a reasonable man. The concurrence of at least two-thirds of the members of the Commission present shall be necessary for a conviction or sentence. The record of the trial, including any judgment or sentence, shall be transmitted directly to me for my action thereon.

THE WHITE HOUSE,

FRANKLIN D. ROOSEVELT.

July 2, 1942.

I hereby certify that the foregoing is a full and true copy of the original Order convening the Military Commission referred to in the attached Return, and that the same is in the usual form of an Order Convening a Military Commission, and that such Order conforms to the rules regulating military procedure.

Adjutant General.

Subscribed and sworn to
before me this ____ day
of July, 1942.

Grade and Organization

Trial Judge Advocate.

WAR DEPARTMENT
Washington, D. C.

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CHARGE SHEET

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F. GRANVILLE MUNSON (Sgd.)
Colonel, U. S. Army

* * * *

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared Colonel F. Granville Munson, U. S. Army, this 3rd day of July, 1942, and made oath that he is a person subject to military law, and that he personally signed the foregoing charges

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MYRON C. CRAMER (Sgd.)
Major General, U. S. Army,
The Judge Advocate General

* * * *

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7-3-42

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Adjutant General.

Subscribed and sworn to
before me this ____ day
of July, 1942.

Grade and Organization

Trial Judge Advocate.